

## JUDGES' WORK IN CHAMBERS MAY BE ALL INVALID

JUDGE GEAR STRONGLY INTIMATES THAT THE ORGANIC ACT DOES NOT CONTAIN ANY AUTHORITY FOR THE SESSIONS IN CHAMBERS WHICH ALL THE CIRCUIT JUDGES HAVE HAD—FAR REACH POSSIBILITIES.

But for some slight lingering doubt in the mind of Judge Gear he would today undoubtedly have declared unconstitutional the Territorial Statute which deals with the matter of judicial procedure in the Territory of Hawaii. That the judge had this lingering doubt may be felt as a matter of satisfaction to many for if the statute is unconstitutional then all of the decisions given by circuit judges, except when sitting in term, since the Organic Act applied would fall to the ground. Causes involving millions of dollars would be again where they began and a particular personal interest would be taken in certain parties who have secured divorces and have married again in the meantime. Even as the matter stands there still remains grave doubt in the whole matter and there is no saying how soon it may be raised again.

The contention arose over the Parker Ranch case through Judge Gear's overruling a demurrer of A. W. Carter's, the claim being that the circuit judge had no jurisdiction.

The matter was gone into thoroughly and from the tenor of the decision handed down by Judge Gear today there can be no doubt that he is persuaded of the correctness of this contention himself, but as he states in his concluding paragraph, the judge of a trial court should not declare a statute unconstitutional unless he has no doubt whatever, and as he could not in the limited time go into the matter far enough to satisfy every doubt, he overruled the objection to his jurisdiction.

The point of the contention is that the Organic Act provided for the erection of certain courts, among them the circuit courts, but that the act of the legislature deputed certain powers to the "circuit court judges." A "judge" is not a "court," though he is often incorrectly called so, hence matters could only be disposed of when the court properly constituted, is sitting in term, and all of the decisions made by circuit judges sitting out of

(Continued on page five.)

## SALE OF A WOMAN

UNITED STATES COMMISSIONER JUDD'S HEARING OF THE CASES OF THREE JAPANESE CONCERNED IN THE ALLEGED SALE OF WIFE OF ONE OF THEM, WHO REFUSED TO STAND BY THE PURCHASER.

There was a Japanese session before United States Commissioner Judd this morning. Shiratschi Rikichiro and his wife Tamio were accused with Nakagawa Tinosaki with conspiring to break that section of the United States statutes which deals with the traffic in women. The case as told is that Shiratschi accepted 225 from Nakagawa for the transfer of his wife and that the woman after a few weeks left Nakagawa and went back to her husband taking the money with her. The three were arrested and this morning gave their testimony. Nakagawa swore that he paid the money to get possession of the woman but Shiratschi, who admitted without shame that he allowed his wife to practice prostitution and took part of the proceeds, said that in this particular transaction he had simply borrowed the money from Nakagawa and denied any traffic as to his wife. The woman Tamio also admitted her looseness without any hesitancy but denied having anything to do with Nakagawa. The Commissioner was assured that an offence had been committed and all three were held to answer at the October term of the District Court. Bail was fixed at \$1000 the woman being allowed to go on her own recognizance as she has children to look after. Two little ones were in court, one of them interesting himself with all that was going on and apparently having the time of his life while the other had some sort of a feeling that all the array did not portend anything good and he enlivened the occasion with mournful howls.

### NEW RESTAURANT.

For a good meal go to the Oregon Restaurant on King street near Nuuanu. Everything new and clean. W. A. Chung, Proprietor.

### GOLF BALLS—CUT PRICES.

We are now offering the Spalding "Wizard Golf Balls" (best ball made) at the cut price of 50 cents. Golf players will appreciate this low price, only at Wall-Nichols.

### MADE A QUICK TRIP.

The British ship Queen Victoria arrived this morning, 112 days from Cardiff. She has coal for the naval station. She made a quick trip.

### MONEY-BACK SILKS.

N. S. Sachs Dry Goods Co. is showing a line of black "Money-back" silks in their show window this week. This line is guaranteed by Sachs not to split, crack or break and the money will be returned to any purchaser who finds this silk to be otherwise than represented.

### FREE! FREE! FREE!

To school children with every purchase of 25 cents or more a lead pencil, pen wiper, or bamboo ruler. Arleigh & Co.

## HUNTER'S SUPPLIES

SHOTGUNS, RIFLES, REVOLVERS

### Ammunitions

A FULL LINE AT

PEARSON & POTTER CO., Limited

251 FORT STREET.

## WON HILL'S SUPPORT



JOHN B. STANCHFIELD

ROCHESTER, N. Y., August 26.—J. B. Stanchfield of Elmira, former candidate for Governor, has written a letter to Charles J. Bissell of this city, in which he announced he would accept the Democratic nomination for chief executive of this State if it were offered him. Stanchfield has been prominently mentioned as a candidate, but has not heretofore expressed his willingness to accept a nomination.

The belief is now general that David B. Hill has decided to give Stanchfield the nomination, and the latter's announcement that he would accept was inspired by the Democratic czar.

## Armies Still Opposed Near Liaoyang

(Associated Press Cable to The Star.)

ST. PETERSBURG, September 2.—The War Office contends that General Kurapatkin's new position on the north bank of the Taitse river, is stronger than his former position during the present battle.

Washington, September 2, 1904. (Received at 8:25 a. m.)

To Japanese Consul, Honolulu:

Marshal Oyama reports that the enemy being unable to resist our fierce attack, on September 1st, retired towards Liaoyang in great confusion, and our armies' left and central columns are hotly pursuing after the enemy who seems trying to get on the right bank of the Tatzuho. We captured the enemy's ten and half centimetre cannons and used them to bombard the Liaoyang railway station. Our right wing, on the 1st September, is attacking the enemy at Heiingtai (15 miles to the northeast of Liaoyang). Our casualties since August 29th are about 10,000.

TAKAHIRA.

## JUNKS CAUGHT

TOKIO, September 2.—A Japanese guardship has captured 26 Chinese junk in Tollen Bay, attempting to convey provisions to the Port Arthur garrison.

THE RUSSIANS HAVE EVACUATED ANSHANSHAN.

TOKIO, September 2.—General Nodzu reports that the Japanese center is continuing its advance with the object of effecting a junction with the Japanese left under command of General Oku. No details of the progress of the fighting today have been received here. The Russians have evacuated Anshanshan.

PROTEST MADE.

ST. PETERSBURG, September 2.—America has protested against the seizure and confiscation of the cargo of flour on the steamer Calchas by the Vladivostok squadron.

WILL FORCE MEAT FAMINE.

CHICAGO, September 2.—President Donnelly of the strikers says the strikers will force a meat famine and bring employers to terms.

## OLD DEPOSITS DISAPPEAR

JAPANESE LABORERS WHO PUT UP A SAFETY FUND UNDER THE OLD REGIME FIND IT IS BEING GOTTEN HOLD OF BY JAPANESE IN HONOLULU—HIRONAKA'S UNPLEASANT SURPRISE.

The Japanese consul still has in his possession some of the money deposited by Japanese under the old contract labor system and some of it is said to be finding its way into the hands of some tricky Japanese swindlers. Under the contract labor system every laborer was required to put up several dollars a month, to form a fund which was to be used by the depositors in case of sickness, or for fare to return home. The moneys were kept in the names of each individual depositor, and many of the deposits are still there, subject to order. The coin is in the Yokohama Specie Bank's local branch.

Last week a laborer named I. Hironaka, who has been on Hawaii doing plantation work for years, returned to Honolulu suffering from illness. He had \$64 in the old fund. He went to the consulate and identified himself and then asked for his money. The records were looked up and the consul reported to Hironaka that the money had been drawn and that Hironaka himself had done so, as far as the record showed. Hironaka denied having secured the money and an investigation was made. The result is said to have disclosed a conspiracy whereby another laborer was brought forward, identified by perjury of witnesses as Hironaka and then Hironaka's name was forged to secure the money.

Three Japanese, Danka, Sugai and Kawasaki, are charged by Hironaka with getting up the conspiracy to deceive the consul and fraudulently get the money. It is said that the same trick has been played in a number of similar cases, and there is trouble in sight for old contract Japanese who come to Honolulu expecting to draw their old deposits. The matter is likely to be brought to the attention of the attorney general.

## LIAOYANG IN FLAMES

TOKIO, September 2.—It is reported that Liaoyang is burning.

## HEAVY LOSSES

ST. PETERSBURG, September 2.—The Russian losses in the two days' fighting with the Japanese armies before Liaoyang number 5,000.

### ELEVENTH PRECINCT.

At a meeting of the 11th Precinct 5th District Republican club held at 1176 Gulick avenue September 1, 1904, the following officers were elected: for president J. L. Carter, first vice president Fred Luckwitz, second vice president G. E. Lahlin, secretary G. B. Sturgen, treasurer, J. H. Schnack. For executive committee, J. L. Carter, A. Schimmer, C. A. Vieira, Captain J. C. Cluney, E. F. Imhof. For judges of election W. J. Englund, F. C. Bertelman Henry Zerbe.

### LONDON BEETS.

SAN FRANCISCO, September 1.—The London price of 88 analysis beets today is 10 shillings, 9 pence. The last quotation was August 30, 10 shillings 8 1/2 pence.

### DEUTSCHE EVANGELISCHE KIRCHE.

Am Sonntag werden zum ersten Male bei der Feier des heiligen Abendmahles Einzelkelche zur Verwendung kommen. Die Predigt, die ueber die Einfuehrung dieser Einzelkelche aufklaeren soll, wird das Thema: "Abendmahls-glauben" behandeln.

How to Avoid the Dangers of a Cold.—Everyone must realize the dangers attending a severe cold, and that it is always prudent to remain in-doors until the danger is passed. Many, however, do not feel able to lose the time and will be interested in knowing that a severe cold may be broken up and all danger avoided by the prompt use of Chamberlain's Cough Remedy. It not only cures, but cures quickly and counteracts any tendency toward pneumonia. For sale by all dealers, Benson, Smith & Co., agents for Hawaii.

### FINE FRENCH PERFUMES.

The Hobron Drug Co., Ehlers' block, carry the largest line of fine perfumes in Hawaii. They make a specialty of Roger and Gallet's famous French extracts which can always be depended on for quality.

THE OLD RELIABLE

ROYAL BAKING POWDER

Absolutely Pure

THERE IS NO SUBSTITUTE

## PORTUGUESE ASKS DAMAGES

BRINGS A \$10,000 DAMAGE SUIT AGAINST THE PORTUGUESE NEWSPAPER.

Jose Ferreira Durao has brought suit for \$10,000 damages against J. S. Ramos and Jose D. Marques publishers of the "O Luso" for an alleged defamation of character. According to the complaint, the "O Luso" appears to have been "roasting" the plaintiff.

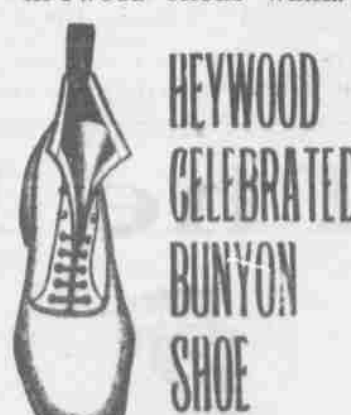
On August 4, it wrote him up and said that he was, among other bad things, a procurer. Jose objects violently to being designated in such style. It is false, and defames his character. He says and he asks judgment against the defendants.

### SAVE YOUR MONEY.

The Twenty-Ninth Series of Stock in the Pioneer Building & Loan Association will be issued in July, 1904, and is now open for subscription. The membership fee is fifty cents per share, and the monthly dues are one dollar per month per share. The stock draws much better interest than a savings bank.

Further information can be obtained from A. V. Gear, Secretary, 122 King Street.

### "HITWOOD SHOES WEAR."



For those who have enlarged joints, bunions, or tender feet this shoe has a degree of comfort not possessed by any other shoe made.

It is especially constructed for just such feet and now worn by thousands who heretofore have never had comfortable shoes. Made of selected vici kid.

PRICE \$5.00

Manufacturers' Shoe Co., 1051 Fort Street

HAWAIIAN TRUST CO., LTD

Fort Street, Honolulu